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7 DENISE MCLOUD, et al.,
8 Plaintiffs,
9 v.
10 COUNTY OF SONOMA, et al.,
11 Defendants.

Case No. [22-cv-04284-HSG](#)

**ORDER GRANTING TEMPORARY
RESTRANING ORDER**

Re: Dkt. Nos. 1, 6

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13 A temporary restraining order is an “extraordinary remedy” that the court should award
14 only upon a clear showing that the party is entitled to such relief. *See Winter v. Natural Res. Def.*
15 *Council, Inc.*, 555 U.S. 7, 20 (2008). Such an order may be issued only where the moving party
16 has established: (1) a likelihood of success on the merits; (2) a likelihood of irreparable harm to
17 plaintiff in the absence of preliminary relief; (3) the balance of equities tips in plaintiff's favor; and
18 (4) that an injunction is in the public interest. *See id.* at 22.

19 This Court may issue a temporary restraining order without written or oral notice only if
20 (A) specific facts in an affidavit or a verified complaint clearly show that immediate and
21 irreparable injury, loss, or damage will result to the movant before the adverse party can be heard
22 in opposition; and (B) the movant's attorney certifies in writing any efforts made to give notice
23 and the reasons it should not be required. Fed. R. Civ. P. 65(b)(1).

24 In this case, on the morning of Monday, July 25, 2022, pro se Plaintiffs filed (1) a
25 complaint, motion for temporary restraining order, and motion for preliminary injunction; and
26 (2) a separate motion for temporary restraining order. Dkt. Nos. 1, 6. Plaintiffs allege that they
27 are unhoused residents of a portion of the Joe Rodota Regional Trail in Santa Rosa, California.
28 Dkt. No. 1 at ¶¶ 1–6, 16. Plaintiffs allege that on Friday, July 22, 2022, they were served eviction

1 notices by Sonoma County Regional Park Rangers, which indicated that they had to relocate by
2 Tuesday, July 26, 2022, at 8:00 a.m., or they would be arrested. *See id.* at ¶¶ 19, 25. Plaintiffs
3 further allege that they have not been offered alternative shelter, and do not believe Defendants
4 have “genuine plan[s]” to “stor[e] people’s property” *See id.* at ¶¶ 19, 23–24, 26–27, 32. To
5 the contrary, Plaintiffs allege that regional park rangers “have been destroying people’s
6 property” *Id.* at ¶ 24.

7 It is not clear to the Court why Plaintiffs waited until the day before the potential clearing
8 to file this action, when they received the notice several days ago. Nevertheless, the Court finds
9 that Plaintiffs have clearly shown that immediate and irreparable injury—specifically the removal
10 of Plaintiffs and their belongings from the place they are now living—will occur before the
11 Defendants can be heard in opposition. Based on the timing of the noticed action, by the time the
12 papers could be served and a hearing held, Plaintiffs’ claims would essentially be moot. Because
13 Plaintiffs are not e-filers, and only some of them have provided email addresses, the next business
14 day that the Court can reasonably provide adequate notice to all involved and hold a hearing is
15 Wednesday, July 27, 2022, at 10:00 a.m.

16 In addition, because the Plaintiffs are pro se, it is not clear whether the requirements of
17 Rule 65(b)(1)(B), which impose a duty on “the movant’s attorney,” are applicable here. Given the
18 imminent nature of the challenged action and resulting irreparable harm shown, the Court finds
19 that the requirements of Rule 65(b)(1) are met.

20 Accordingly, the Court **GRANTS** Plaintiffs’ motion for a temporary restraining order,
21 solely to maintain the status quo until the earliest possible hearing on the merits of the TRO
22 request. Defendants are enjoined from proceeding with the clearing and eviction of those
23 currently residing on the Joe Rodota Regional Trail until a hearing can be held on the merits of
24 Plaintiffs’ request. This order issued on July 25, 2022, at 1:55 p.m.

25 The Clerk is **DIRECTED** to serve this Order on the Plaintiffs by email at
26 bbarnardknowledge@gmail.com; kandersonfrancois@gmail.com; and timr9725@gmail.com. The
27 Clerk is further **DIRECTED** to serve this Order; the complaint, motion for temporary restraining
28 order, and preliminary injunction (Dkt. No. 1); and the emergency application for temporary

1 restraining order and preliminary injunction (Dkt. No. 6) on Defendants at
2 matthew_lillgren@sonoma-county.org; robert.pittman@sonoma-county.org; parks@sonoma-county.org; bert.whitaker@sonoma-county.org; rhammond@srcity.org.

4 A hearing on Plaintiffs' motion for a temporary restraining order is set for Wednesday,
5 July 27, 2022, at 10:00 a.m. in Courtroom 2, 4th Floor, 1301 Clay Street, Oakland, CA. All
6 parties shall attend in-person.

7 **IT IS SO ORDERED.**

8 Dated: 7/25/2022

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10 HAYWOOD S. GILLIAM, JR.
United States District Judge

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United States District Court
Northern District of California